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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,139	01/05/2004	Michael Gauselmann	ATR-A-122-1P	3898

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PATENT LAW GROUP LLP
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EXAMINER

MCCULLOCH JR, WILLIAM H

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/752,139	Applicant(s) GAUSELMANN, MICHAEL	
	Examiner William H. McCulloch	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to amendments received 3/10/2008. Claims 1, 5-9, and 11-15 are pending in the application, with claims 1 and 12 currently amended, and claims 2-4, 10, and 16-17 now cancelled.

Specification

2. Amendments to the specification received 3/10/2008 are hereby entered into the application.

Claim Rejections - 35 USC § 112

3. In the previous action, claims 1, 11, 12, and 17 were rejected under 35 USC § 112, first paragraph as being directed toward subject matter not described in the specification. By the above amendment to the specification, such rejection under §112 is now moot. The Examiner notes that subject matter entered into the specification is substantially identical to that of originally-submitted claimed subject matter.

The subject matter at hand is directed toward displaying on the OLED display an “identity” of a game being available on the gaming machine. The Examiner interprets the “identity” of a game to be any indicator to include graphics, text, images, and/or colors (or combinations thereof) that correspond to a particular game. In other words, the “identity” is the same as those graphics, text, images, and/or colors known in prior art gaming machines to be displayed on the game screen, silk screen images, and/or top-box art.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2002/0173354 to Winans et al. (hereinafter Winans).

Regarding claim 1, Winans teaches a gaming device comprising: a main display for displaying a main game to a player (e.g., display monitor 34 in at least paragraphs 55-58 and fig. 2), the main game granting awards to the player for certain random outcomes of the main game (see at least paragraphs 21, 56, and 95), the main display being located in a main display area defined by boundaries of the main display (see at least fig. 1); an electronic display other than the main display, the electronic display being an OLED display controlled to display images (e.g., electro-luminescent skin), the entire electronic display being located at a position other than over or in the main display area (see at least paragraphs 68-71); wherein the OLED display overlies a portion of an outer housing of the gaming device (see at least paragraphs 54-61 and 68-71).

Further regarding claim 1, Winans teaches wherein the OLED display is programmed to display a static image of an identity of the main game to the player, the

OLED display being programmable to display a different identity of the main game if the main game is changed so that no display glass needs to be replaced when reprogramming the main game to have a new identity (see at least paragraphs 68-70). It is noted that the term “static image” is somewhat confusing in the context of the claims as written. As is understood in the art, “static” generally means “constant” or “unchanging”, yet in the claimed invention, the image is made to change to identify different games. The Examiner interprets a “static image” to mean an image that is displayed constantly throughout the duration of a respective game. Moreover, the OLED display is claimed as being “programmable to display a different identity of the main game if the main game is changed so that no display glass needs to be replaced when reprogramming the main game to have a new identity.” While Winans is deemed to anticipate the entire claim, it is noted that the above limitation is an intended use limitation.

Regarding claims 5 and 6, Winans teaches that the main display may be electronic or may comprise a plurality of rotatable (mechanical) reels (see at least paragraphs 55 and 61).

Regarding claims 7-9, Winans teaches that the OLED display is any of below, above, or along a side of the main display (see at least paragraphs 58-59 and 68-70, and fig. 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3714

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winans in view of U.S. 2002/0137217 to Rowe (hereinafter Rowe).

Regarding claims 11-12, Winans teaches the invention substantially as described above, and further teaches that a game may be generated on a host computer and may be displayed on a remote terminal or a remote computer (see at least paragraph 61). Put another way, a host computer is remote from the gaming device and controls the game displayed on the gaming device. Winans lacks in explicitly teaching that the main game is remotely programmable. In a related disclosure, Rowe describes a gaming system in which gaming machines are remotely configurable by way of network connection (see at least paragraph 66). Rowe teaches that game software components to be used for configuration may be selected from the group consisting of game system components, game paytables, game bonusing, game progressives, game graphics, game sounds, game jurisdiction information and game networking components (see at least paragraph 15). The teaching of game graphics is particularly pertinent in that it suggests game graphics that identify the game. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Winans to include the capability to remotely configure gaming devices, as described by Rowe, in order to reduce the complexity of the information management environment, as favorably taught by Rowe (see at least paragraph 13).

Each limitation of claims 13-16 is taught by Winans, as described above with regard to claims 7-9.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. H. M./
Examiner, Art Unit 3714
7/31/2008

/Corbett Coburn/
Primary Examiner
AU 3714